

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ **Crl. M.C. No. 5473-75/2006**
% Date of Decision: 6th December, 2007

Suraj Prakash & Ors. Petitioners
! Through Mr. Suman Kapoor, Advocate along with petitioners
 in person.

Versus

\$ **State & Ors.** Respondents
^ Through Mr. O.P. Saxena, APP for State

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not? (No)
3. Whether the judgment should be reported in the digest? (No)

JUDGMENT

P.K.BHASIN, J:

This petition is filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR no. 588/2002 registered at Police Station Mehrauli on 08.11.2002 for the offences under Sections 454/427/435/34 of Indian Penal Code ('I.P.C.' in short) as also the case titled as "State v. Suraj Prakash and Ors." pending in the court of Metropolitan Magistrate, Delhi.

2. Brief facts leading to the controversy are that on 08.11.2002 at about 9.30 a.m., when respondents no. 2 & 3 were present in their shop, petitioners who were having a shop opposite to their shop armed with sticks came to their shop and complained about respondent no.2 having urinated last night near their shop and on this an altercation took place and petitioners no. 1 & 3, out of whom petitioner no. 3 is now dead, dragged the respondents no. 2 & 3 and started beating them and on hearing their hue and cry respondent no. 4, wife of respondent no. 2 came down and she was also beaten up by petitioner no. 2. In this tiff the respondents received 'simple' injuries. It has further been alleged that the petitioners also entered the shop of respondent no.2 and broke the glasses of his shop.

3. Thereafter the matter was reported to the police and respondents no. 3 & 4 were medically examined at AIIMS and on the basis of the statement of respondent no. 1 FIR was lodged. The police after investigating the matter filed charge-sheet against the petitioners in the court of Metropolitan Magistrate under Sections 341/324/427/506/341 I.P.C. where that case is pending trial.

4. During the pendency of the criminal proceedings the petitioners and respondents no. 2, 3 & 4 resolved their dispute and arrived at an amicable settlement and thereafter the present petition under Section 482 Cr.P.C. was filed by the petitioners. Notice of the petition was given to the State and the respondent nos. 2-4. On 10.09.2007 petitioners no. 2 and 3 and respondents no. 2-4 appeared in Court and affirmed that the matter has been amicably resolved. Respondent no.

2 to 4 stated that they were no more interested in pursuing the case against the petitioners.

5. Learned APP for the State, however, opposed quashing of the FIR on the ground that allegations against the petitioners are serious.

6. It is now well settled that FIRs even in respect of those offences which are not compoundable under Section 320 Cr.P.C. can be quashed as also the criminal proceedings emanating therefrom if it is felt while dealing with a quashing petition under Section 482 Cr.P.C. that it would secure the ends of justice if the FIR and criminal proceedings arising therefrom are quashed and continuation of the criminal proceedings would amount to abuse of the process of law. Reference in this regard can be made to one judgment of the Hon'ble Supreme Court in "**B.S. Joshi & Ors. Vs. State of Haryana & Anr.**", AIR 2003 SC 1386 where it has been so held. Since the complainants in the present case have now no grievance against the petitioners it would secure the ends of justice if the FIR registered against the petitioners no. 2 and 3 and the ongoing trial against them are quashed.

7. This petition is accordingly allowed and consequently FIR No. 588/2002 registered at Police Station Mehrauli for the offences under Sections 454/427/435/34 I.P.C. and the case titled as "State v. Suraj Prakash and Ors." pending in the court of Metropolitan Magistrate, Delhi are hereby quashed.

P.K.BHASIN,J

December 6, 2007
sh